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Security Council

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Letter dated 8 October 2012 from the Secretary-General to the President of the Security Council

I have the honour to transmit herewith the attached Cooperation Agreement between the Governments of Sudan and South Sudan, signed on 27 September 2012 in Addis Ababa. An additional eight detailed agreements on oil, trade, banking, certain economic matters, pensions, border issues, the status of their respective nationals and security arrangements are included in document S/2012/733.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex to the letter dated 8 October 2012 from the Secretary-General to the President of the Security Council

Cooperation Agreement between the Republic of the Sudan and the Republic of South Sudan

Preamble

Reaffirming the shared commitment of the Government of the Republic of the Sudan and the Government of the Republic of South Sudan to the overriding imperative and principle of building two viable States, in which the peace, welfare and prosperity of their peoples will be secured;

Recognizing that the people of South Sudan and Sudan share a long and rich common heritage and are bound by the immutable facts of geography to remain interdependent neighbours;

Mindful of the urgent need to bring peace, security and stability to the people of Sudan and South Sudan who have endured conflict for decades;

Hailing the successful conclusion of the negotiations between the two States on several critical issues, relating to outstanding Comprehensive Peace Agreement (2005) commitments and post-secession arrangements which have yielded several Agreements;

Confident that these agreements are important milestones in the normalization of relations between the two States, which lay the foundation for attaining their common vision of building two viable, peaceful, friendly and stable States;

Affirming their determination to work in close partnership, to finalize all outstanding details remaining in relating to the Agreements they have reached, relevant to the implementation of the Agreements thus finalized;

Committed to fulfil in good faith the obligations they have assumed under these Agreements;

Recalling and affirming the obligations arising from the decision of the African Union Peace and Security Council in its Communiqué of 24 April 2012, as endorsed by United Nations Security Council resolution 2046 of 2 May 2012, and further reflected in the Communiqué of the African Union Peace and Security Council of 3 August 2012;

Acknowledging with gratitude the facilitation of the African Union High Level Implementation Panel under the chairmanship of President Thabo Mbeki, with General Abdusalami Abubakar and President Pierre Buyoya, supported by Prime Minister Haile Mariam Dessalegne, the United Nations, the Intergovernmental Authority on Development and other international and regional partners, and their indefatigable support and solidarity with the Parties' efforts to normalize their relations;

Acknowledging, in particular, the tireless support, encouragement and dedicated contribution of Meles Zenawi, the late Prime Minister of Ethiopia, for the negotiations between the Parties;

The Parties hereby commit themselves faithfully to implement jointly and in a coordinated manner all the "Agreements referred to in this Cooperation Agreement, consistent with the following:

Principles of Cooperation

1. Establishing two viable States

(1) Recognizing their historical and abiding connections, the Parties recommit themselves to the overriding principle of establishing Sudan and South Sudan as two viable States, stable, secure and at peace with each other and their neighbours.

(2) The Parties shall cooperate across the range of areas of common interest, in order to build two viable States. They shall adopt the necessary policies and arrangements to strengthen their cooperation.

2. Peaceful relations

(1) The Parties affirm their commitment to respect the principles of the African Union Constitutive Act and the United Nations Charter concerning relations and cooperation between States and shall respect each other's sovereignty and territorial integrity.

(2) The Parties have entered into several agreements and arrangements relating to their common security. The Parties shall ensure the full implementation of these agreements, which include:

(i) Joint Position Paper on Security Arrangements (7 December 2010);

(ii) Joint Position Paper on Border Security (30 May 2011);

(iii) Kadugli Agreement on the Border Monitoring Support Mission (8 August 2011);

(iv) Temporary Arrangements for the Administration and Security of the Abyei Area (20 June 2011);

(v) Border Security and the Joint Political Security Mechanism (29 June 2011);

(vi) Agreement on the Border Monitoring Support Mission (30 July 2011);

(vii) Memorandum of Understanding on Non-aggression and Cooperation (10 February 2012);

(viii) Establishment of the Ad Hoc Committee (23 June 2012); and,

(ix) Agreement on Security Arrangements (26 September 2012).

Completion of negotiations

3. Agreements completed

(1) The Parties further commit themselves to implement the following Agreements:

(i) The Agreement concerning Oil and related Economic Matters;

(ii) The Framework Agreement on the Status of Nationals of the Other State;

(iii) The Agreement on Border Issues (including Demarcation);

(iv) The Agreement on a Framework for Cooperation on Central Banking Issues;

(v) The Agreement on Trade and Trade-Related Issues;

(vi) The Agreement on Certain Economic Matters; Division of Assets and Liabilities, Arrears and Claims and Joint Approach to the International Community;

(vii) The Framework Agreement to Facilitate Payment of Post-Service Benefits (including Pensions); and,

(viii) The Agreement on Security Arrangements.

(2) The above Agreements shall enter into force immediately upon ratification of this Cooperation Agreement by the National Assembly of each State, within forty days of signing this Agreement. Each Party shall take all necessary action to ensure timely ratification and implementation.

(3) The Parties shall establish mechanisms for the effective monitoring and implementation of the Agreements detailed above.

4. Outstanding negotiations and CPA commitments

(1) The Parties shall strive to complete, expeditiously, the negotiation of the outstanding Comprehensive Peace Agreement (CPA) issue of the disputed and claimed border areas.

(2) The AUHIP will continue to engage the issue of the final status of the Abyei Area through discussion with the AU Peace and Security Council, as well as the Parties.

(3) The Parties shall expedite the development of modalities for implementing and monitoring all the agreements relating to the CPA and post-secession matters.

5. Cooperation mechanisms

(1) The Parties shall establish and sustain viable mechanisms and frameworks for cooperation and for managing their bilateral relations, including through regular Summit Meetings of their Heads of State, as well as through cooperation at ministerial and technical levels.

(2) The Parties shall establish viable mechanisms for setting any dispute or difference that might arise between them and shall prevent any dispute from undermining their peaceful relations.

Done in Addis Ababa, this 27th day of September 2012

(*Signed*) **Omar Hassan Al Bashir**
President of the Republic of the Sudan
On behalf of:
The Government of the Republic of the Sudan

(*Signed*) **Salva Kiir Mayardit**
President of the Republic of South Sudan
On behalf of:
The Government of the Republic of South Sudan

Witnessed by:

(*Signed*) **Thabo Mvuyelwa Mbeki**
Chairperson, African Union High Level Implementation Panel
On behalf of the African Union High Level Implementation Panel

(*Signed*) **Haile Mariam Dessalegne**
Prime Minister of Ethiopia
On behalf of the Intergovernmental Authority for Development